

House Judiciary Committee
124 North Capitol Avenue
Lansing, MI 48933

Dear Chair Breen, Vice Chair Edwards, Vice Chair Fink, and members of the committee,

I write this letter in strong support of the Michigan Family Protection Act.

The Michigan Family Protection Act will comprehensively update parentage laws in the state of Michigan, ensuring that all children have equal access to the security of a legal parent-child relationship, regardless of the circumstances of the child's birth or the marital status, gender, or sexual orientation of their parents.

The relationship a child shares with their parents serves as the primary scaffold upon which their healthy psychological and emotional development, as well as their overall well-being, rests throughout their lifetime. As such, it is pivotal that these crucial relationships are respected and protected by the law. To this effect, it underlines the necessity for Michigan law to uphold and secure the rights and interests of every child unconditionally.

As it stands, the state of Michigan hasn't embarked on reforming its parentage laws for several decades, leading to a legal landscape that potentially exposes our children to a myriad of detrimental consequences, prominent among which is the distressing prospect of family separation.

The Michigan Family Protection Act will guarantee that these fundamental protections, critical to the welfare and stability of our children, are fortified and enshrined firmly within our legal edifice. By updating these antiquated parentage statutes, we can foresee a more secure and equitable future for our children.

This bill is personally important to me because I am a father through surrogacy.

However, as a gay man, I was aware that the path to realizing this goal might not be as direct as it might be for others. Initiating our surrogacy journey illuminated for me the stark reality that surrogacy contracts lacked legal recognition in Michigan. Consequently, my husband and I were compelled to commence this emotionally charged journey beyond our home state and into Ohio.

What unfolded was a story marked with numerous unexpected twists and turns, eventually leading us to an extraordinary outcome - the birth of identical triplets. The culmination of our long, often tumultuous surrogacy process resulted in an experience that could aptly be described as a one-in-a-million occurrence, beautifully fulfilling our dream of starting a family.

Every facet of our life witnessed overarching transformations as we embarked on the road towards parenthood. The intricate journey was paved with multiple layers, including the meticulous preparation of all necessary documentation by Ohio attorneys and closely liaising with a comprehensive team of healthcare professionals at Cleveland Clinic. An exceptional

component of our journey was our evolving relationship with the woman who graciously carried our children.

The surrogate was a gestational carrier, meaning that our triplets were conceived without the use of her eggs, thus eliminating any biological tie between her and our children. However, due to Michigan's existing laws, our surrogate became subject to an impractical restriction. From the 24th week of her pregnancy, she was legally prohibited from entering Michigan. The unfathomable implication was that if she had crossed state lines and unexpectedly went into premature labor, the birth certificates of our three daughters would inaccurately list her and her husband as their legal parents.

Our surrogate embarked on this altruistic journey with us purely out of love and goodwill, never anticipating that she could be deemed legally responsible for the children she was carrying. Bafflingly, if she was hypothetically estranged from her husband for years, he would still be recognized as a legal parent under Michigan law.

In contrast, the laws in Ohio are decidedly more real-world and protective. They guaranteed the legal parentage of our unborn children to us, their intended parents, providing unequivocal certainty about our status. The moment our triplets entered the world, there was absolutely no ambiguity or dispute regarding their parental lineage. These laws ensure the peace of mind that every aspiring parent embarking on a surrogacy journey truly deserves.

Based on the Uniform Parentage Act of 2017, the Michigan Family Protection Act has been thoughtfully crafted by leading experts in parentage law to meet the needs of children and families. The bill will ensure that the Great Lakes State's parentage laws remain constitutional, reflect the best practices, and protect all children in our state.

I hope you will report the Michigan Family Protection Act favorably out of committee. Thank you so much for your consideration, and please do not hesitate to contact me for any additional information.

Sincerely,

Kevin O'Neill

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